

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 7 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

David Neewilly

Case No.:

18-11172-ABA

Judge:

Andrew B. Altenburg

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: 5/30/18

☒ Motions Included

☐ Modified/No Notice Required

**THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE**

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**THIS PLAN:**

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s) Attorney: JFC

Initial Debtor:

DGN

Initial Co-Debtor:

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 311.72 per month to the Chapter 13 Trustee, starting on 2/1/18 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection** ☐ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ 961.50 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: MidFirst Bank (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,000.00
DOMESTIC SUPPORT OBLIGATION		
US Bank Cust for PC7	Tax Sale Certificate	\$1,174.84

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C. 1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
MldFirst Bank	44 Tunis Ave., Pleasantville, NJ	13,474.30	0	13,474.30	961.50

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Office of the Public Defender	44 Tunis Ave., Pleasantville, NJ	1,666.00	66,884.00	110,309.28 1,174.84	0	n/a	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☐ NONE

The following secured claims are unaffected by the Plan:

<b>g. Secured Claims to be Paid in Full Through the Plan:</b> <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

<b>Part 5: Unsecured Claims</b> <input type="checkbox"/> NONE
---------------------------------------------------------------

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

<b>Part 6: Executory Contracts and Unexpired Leases</b> <input checked="" type="checkbox"/> NONE
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(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions** ☐ NONE

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Office of the Public Defender	44 Tunis Ave., Pleasantville, NJ	Judgment Lien	629.75	66,884.00		110,309.28	629.75
			130.25				130.25
			187.25				187.25
			368.00				368.00
			94.25				94.25
			91.25				91.25
			167.00				167.00
							Total: 1,667.75

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Office of the Public Defender	44 Tunis Ave., Pleasantville, NJ	1,666.00	66,884.00	110,309.28	0	1,666.00



**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Other administrative claims
- 3) Priority claims
- 4) Secured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.



**Part 9: Modification** ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: Filed 1/19/18

Explain below **why** the plan is being modified:

See attachment

Explain below **how** the plan is being modified:

See attachment

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

After the allowed priority claim of U.S. Bank has been paid in full, U.S. Bank shall execute the Authorization for Cancellation of Record appended to Tax Sale Certificate 17-00420 and cause same to be recorded with the County Recording Office and City of Pleasantville.

After the debtor completes the within plan, the Office of the Public Defender shall cause the following Judgments as to debtor to be marked as satisfied in the appropriate public records: Judgment Numbers: PD-323339-05; PD-084651-06; PD-014535-07; PD-040300-07; PD-038316-08; PD-141293-08; PD-053684-12.

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 5/30/18

W. Jorge F. Coombs, Esq.  
Attorney for the Debtor

Date: 5/30/18

H. LeWelly  
Debtor

Date:

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 5/30/18

/s/ Jorge F. Coombs, Esq.  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 5/30/18

  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Explain below why the plan is being modified:**

1. Corrects date plan payments commence, changes priority of distribution and corrects plan to denote mortgage arrears are being cured through plan.
2. Corrects name of priority creditor and amount to be paid
3. Adds Motion to Avoid Liens
4. Adds Nonstandard plan provisions

**Explain below how the plan is being modified:**

Part 1a.: Start date of plan and amount changed.

Part 2: Pre-confirmation adequate protection payment amount to MidFirst bank changed to \$961.50

Part 3: Name of priority creditor changed from Pleasantville City Sewage to U.S. Bank Cust for PC7 and amount to be paid changed to \$1,174.84.

Part 4a.: Corrected to denote secured claim is being cured through plan and cure amount and payment amount outside of plan changed.

Part 7a: Changed to add Motion to Avoid Liens of Office of Public Defender.

Part 8c. Changed order of distribution.

Part 10: Adds non-standard provisions.

**Certificate of Notice Page 12 of 13**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 David Neewilly  
 Debtor

Case No. 18-11172-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 34

Date Rcvd: May 31, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 02, 2018.

db  
 517286817 David Neewilly, 44 Tunis Ave, Pleasantville, NJ 08232-3037  
 +++AA Bail Bonds, 1916 Fairfax Ave, Cherry Hill, NJ 08003-2007  
 517286818 Annie Neewilly, 44 Tunis Ave, Pleasantville, NJ 08232-3037  
 517286821 AtlanticCare Physician Group, PO Box 786061, Philadelphia, PA 19178-6061  
 517286820 +Atlantic County Div. of Economic Assist., 1333 Atlantic Ave., Atlantic City, NJ 08401-7212  
 517286822 +Colleen M. Hirst, Esq., KML Law Group, PC, 216 Haddon Ave # 406,  
 Collingswood, NJ 08108-2812  
 517286823 Comcast Cable, Po Box 3002, Southeastern, PA 19398-3002  
 517289121 Coombs, Jorge F., 1201 New Rd Ste 230, Linwood, NJ 08221-1154  
 517286824 +Davidson Neewilly, 6355 Barton Road, North Olmsted, OH 44070-4749  
 517286825 Jorge F. Coombs, 1201 New Rd Ste 230, Linwood, NJ 08221-1154  
 517382999 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051  
 517286826 MidFirst Bank, PO Box 26648, Oklahoma City, OK 73126-0648  
 517286827 +++Millennium Finance, 6 Crest Drive, Metuchen, NJ 08840-1528  
 517289119 Neewilly, Annie, 44 Tunis Ave, Pleasantville, NJ 08232-3037  
 517289120 +Neewilly, Davidson, 6355 Barton Road, North Olmsted, OH 44070-4749  
 517286829 New Jersey American Water, Po Box 371771, Pittsburgh, PA 15250-7331  
 517286830 Office of the Public Defender, Hughes Justice Complex, Po Box 850, Trenton, NJ 08625-0850  
 517286831 +Pleasantville City Sewage, City of Pleasantville, 18 N 1st St,  
 Pleasantville, NJ 08232-2647  
 517286832 Pressler and Pressler LLP, 7 Entin Rd, Parsippany, NJ 07054-5020  
 517286833 Receivables Outsourcing, LLC, Po Box 62850, Baltimore, MD 21264-2850  
 517286835 South Jersey Gas, Po Box 6091, Bellmawr, NJ 08099-6091  
 517286836 Stillman Law Office, 50 Tower Office Park, Woburn, MA 01801-2113  
 517286837 +TTLBL LLC, 4747 Executive Drive 510, San Diego, CA 92121-3100  
 517286838 +US Bank Corp., 50 South 16th St. 1950, Philadelphia, PA 19102-2521  
 517494657 +US Bank Cust for PC7, 50 S. 16th St., Suite 2050, Philadelphia, PA 19102-2516  
 517286839 +US Department of Education, 2401 International, PO Box 7859, Madison, WI 53707-7859  
 517286840 Youngblood, Franklin, Sampoli & Coombs, P.A., Cornerstone Commerce Center,  
 1201 New Rd Ste 230, Linwood, NJ 08221-1154

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 31 2018 23:56:03 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 31 2018 23:56:01 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 517286819 +E-mail/Text: bankruptcy@pepcoholdings.com May 31 2018 23:55:23 Atlantic City Electric,  
 PO Box 13610, Philadelphia, PA 19101-3610  
 517299776 +E-mail/Text: bankruptcy@pepcoholdings.com May 31 2018 23:55:23  
 Atlantic City Electric Company, 5 Collins Drive Suite 2133, Carneys Point NJ 08069-3600  
 517286828 E-mail/PDF: bankruptcy@ncfsi.com Jun 01 2018 00:00:35 New Century Financial Services,  
 110 S Jefferson Rd, Whippany, NJ 07981-1038  
 517334003 +E-mail/Text: csc.bankruptcy@amwater.com May 31 2018 23:56:54 New Jersey American Water,  
 PO Box 578, Alton, IL 62002-0578  
 517286834 E-mail/Text: jboehler@shorememorial.org May 31 2018 23:57:05 Shore Memorial Hospital,  
 PO Box 217, Somers Point, NJ 08244-0217

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '+++' were transmitted to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(e).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 02, 2018

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 34

Date Rcvd: May 31, 2018

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 31, 2018 at the address(es) listed below:

Isabel C. Balboa on behalf of Trustee Isabel C. Balboa [ecfmail@standingtrustee.com](mailto:ecfmail@standingtrustee.com),  
[summarymail@standingtrustee.com](mailto:summarymail@standingtrustee.com)  
Isabel C. Balboa [ecfmail@standingtrustee.com](mailto:ecfmail@standingtrustee.com), [summarymail@standingtrustee.com](mailto:summarymail@standingtrustee.com)  
Jorge F. Coombs on behalf of Debtor David Neewilly [jcoombs@youngbloodlegal.com](mailto:jcoombs@youngbloodlegal.com)  
Rebecca Ann Solarz on behalf of Creditor MIDFIRST BANK [rsolarz@kmlawgroup.com](mailto:rsolarz@kmlawgroup.com)  
U.S. Trustee [USTPRegion03.NE.ECF@usdoj.gov](mailto:USTPRegion03.NE.ECF@usdoj.gov)

TOTAL: 5